

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

VIKTOR GRUNBAUM,

Plaintiff,

**CIVIL ACTION NO. 10-CV-10147**

vs.

**DISTRICT JUDGE GERALD E. ROSEN**

**DISTRICT DIRECTOR, USCIS  
DETROIT,**

**MAGISTRATE JUDGE MONA K. MAJZOUB**

Defendant.

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**REPORT AND RECOMMENDATION**

**I. RECOMMENDATION:** This Court recommends that Defendant's Motion for Judgment on the Pleadings (docket no. 10), Plaintiff's Motion for Summary Judgment (docket no. 12), and Defendant's Motion to Dismiss as Moot (docket no. 20) be **DENIED AS MOOT**.

**II. REPORT:**

Plaintiff filed a Complaint for Mandamus on January 13, 2010 seeking an order compelling the District Director of the United States Citizenship and Immigration Services ("USCIS") to adjudicate his application for naturalization. (Docket no. 1). Presently before the Court is Plaintiff's Motion for Summary Judgment, which asks the Court for an Order compelling the Defendant to adjudicate his citizenship application. (Docket no. 12). Also before the Court are Defendant's Motion for Judgment on the Pleadings Pursuant to Fed.R.Civ.P. 12(c) (docket no. 10) and Motion to Dismiss as Moot (docket no. 20), which ask the Court to dismiss Plaintiff's Complaint because Plaintiff's application for naturalization has been adjudicated. The motions are fully briefed. All pretrial matters have been referred to the undersigned for action. (Docket no. 6). The Court dispenses with oral argument pursuant to E.D. Mich. LR 7.1(f). These matters are now ready for

ruling pursuant to 28 U.S.C. § 636(b)(1)(B).

On June 29, 2010 Defendant issued its decision upholding the denial of Plaintiff's application for citizenship on the basis that Plaintiff failed to meet the general eligibility and good moral character requirements for naturalization. (Docket no. 20, Ex. A). Consequently, Plaintiff's application for citizenship has been fully adjudicated. On October 14, 2010 Plaintiff filed a Motion to Amend Complaint, stating that the issues in his original Complaint are now moot and asking the Court to conduct a de novo review of the Defendant's decision denying his naturalization application. (Docket no. 28). The Court has granted Plaintiff's Motion to Amend Complaint. Accordingly, the Court recommends that Defendant's Motion to Dismiss Plaintiff's Complaint under Fed.R.Civ.P. 12(c) (docket no. 10), Plaintiff's Motion for Summary Judgment (docket no. 12), and Defendant's Motion to Dismiss as Moot (docket no. 20) be **DENIED AS MOOT** and Plaintiff be permitted to proceed on his Amended Complaint.

### **III. NOTICE TO PARTIES REGARDING OBJECTIONS:**

The parties to this action may object to and seek review of this Report and Recommendation, but are required to act within fourteen (14) days of service of a copy hereof as provided for in 28 U.S.C. § 636(b)(1) and E.D. Mich. LR 72.1(d)(2). Failure to file specific objections constitutes a waiver of any further right of appeal. *Thomas v. Arn*, 474 U.S. 140 (1985); *Howard v. Sec'y of Health & Human Servs.*, 932 F.2d 505 (6th Cir. 1991); *United States v. Walters*, 638 F.2d 947 (6th Cir. 1981). Filing of objections which raise some issues but fail to raise others with specificity, will not preserve all the objections a party might have to this Report and Recommendation. *Willis v. Sec'y of Health & Human Servs.*, 931 F.2d 390, 401 (6th Cir. 1991); *Smith v. Detroit Fed'n Of Teachers Local 231*, 829 F.2d 1370, 1373 (6th Cir. 1987). Pursuant to E.D. Mich. LR 72.1(d)(2), a copy of any objections is to be served upon this Magistrate Judge.

Any objections must be labeled as “Objection #1,” “Objection #2,” etc. Any objection must recite *precisely* the provision of this Report and Recommendation to which it pertains. Not later than fourteen days after service of an objection, the opposing party must file a concise response proportionate to the objections in length and complexity. The response must specifically address each issue raised in the objections, in the same order and labeled as “Response to Objection #1,” “Response to Objection #2,” etc.

Dated: October 29, 2010

s/ Mona K. Majzoub

MONA K. MAJZOUB

UNITED STATES MAGISTRATE JUDGE

**PROOF OF SERVICE**

I hereby certify that a copy of this Report and Recommendation was served upon Viktor Grunbaum and Counsel of record on this date.

Dated: November 1, 2010

s/ Lisa C. Bartlett

Case Manager